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Engaging Without Recognizing? Western Approaches to the Eurasian De Facto States

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ABSTRACT

From being a relatively neglected field, the study of *de facto* states has developed rapidly in recent years. As the break-up of the Soviet Union produced seven *de facto* states – four that still exist to this day (Abkhazia, Nagorno-Karabakh, South Ossetia and Transnistria) and three that are now defunct (Chechnya, the Donetsk People's Republic and the Lugansk People's Republic) – scholars from this region have contributed greatly to the development of this field. Russian scholars have been particularly active, with Russia serving as the patron state of three of the extant entities (having reintegrated/absorbed the three defunct ones), as well as of the patron of Nagorno-Karabakh, Armenia. But Western scholars have also made a sizeable contribution, although often working in relative isolation from "local" research. Whereas local researchers excel in in-depth knowledge of the history and culture of the region, their Western colleagues add to the comparative and theoretical approaches. And just as Russian researchers naturally focus on the relations of the Eurasian *de facto* states with their Russian patron, their Western counterparts often analyse the policies of their own countries towards these entities. Thus, we argue, two separate "ecosystems" of research into Eurasian *de facto* states have gradually developed: a "local" one and a "Western" one, each with its own peculiarities. In this article, we survey the "Western" literature on *de facto* states, noting the various assessments of the possibilities for US and EU engagement with the Eurasian *de facto* states. The scholarly literature discussing Western engagement emerges as partly analytical, explaining what Western states are doing and not doing and why, and partly normative, offering policy recommendations on how best to engage. Implicit in the concept of "engagement," however, is the understanding that engagement is preferable to "ignoring" or "sanctioning." According to this view, Western cooperation with *de facto* state authorities is inevitable.

KEYWORDS

Eurasian de facto states, engagement, recognition, USA, EU

From a modest beginning around the turn of the millennium, the study of *de facto* states has become a growth industry. Surveying the field 20 years after he wrote his trailblazing *International Society and the De facto State,* S. Pegg concluded that "tremendous progress has been made, and our understanding of the internal and external dynamics [...] of these entities have expanded exponentially."[1] There are probably several reasons for this. Some have claimed that "the number of *de facto* states has sharply increased since 1991."[2] However, while the number of new *de facto* states has indeed grown, that cannot be the only explanation: during the same period, several older *de facto* states have disappeared: Tamil Eelam, Republika Srpska, Republika Srpska Krajina and Chechnya have all been reintegrated into their respective parent states; and the Donetsk People's Republic and Lugansk People's Republic have been absorbed by their patron state Russia. Indeed, Eritrea represents the sole example of a *de facto* state "graduating" to full-fledged recognized statehood. This means that if we apply Pegg's original definition of a *de facto* state – one that has seceded from a parent state, enjoys control over territory, and has proclaimed independence[3] – the number of *de facto* states still hovers around ten.[4]

Two other reasons are probably just as likely to have contributed to the recent surge in interest in *de facto* states. First, the character of the typical *de facto* state has changed. Many of the early examples were rather ephemeral arrangements that survived for a handful years or even less. In contrast, today's existing *de facto* states have proven impressively – and unexpectedly – long-lived. For example, the Eurasian *de facto* states can look back on some three decades of effective independence. We can thus no longer regard *de facto* states as transient phenomena, destined to sink back into oblivion.[5]

The second reason might be that, viewed from a European perspective, the phenomenon has moved closer to home. Previously, many of these statelets were located in distant places, such as Biafra in Nigeria, Katanga in Congo, and Tamil Eelam in Sri Lanka. They seemed like "quarrels in far-away countries between people of whom we know nothing" to paraphrase former British Prime Minister N. Chamberlain. Now, *de facto* states have popped up on the very doorstep of the European Union.

As the break-up of the Soviet Union produced no less than seven *de facto* states – four that still exist to this day (Abkhazia, Nagorno-Karabakh, South Ossetia and Transnistria) and three that are now defunct (Chechnya, the Donetsk People's Republic and the Lugansk People's Republic) – scholars hailing from this part of the world have played an important role in studying these entities. Russian scholars have been particularly active in developing the field, with Russia serving as the patron state of three of the extant entities (having reintegrated/absorbed the three defunct ones), as well as of the patron of Nagorno-Karabakh, Armenia. But Western scholars have also made a sizeable contribution, although often working in relative isolation from "local"

1 Pegg 2017, 1. However, Pegg admits that the field is still characterized by significant problems, including when it comes to "terminological and definitional battles."
2 Özpek 2014, 585; see also Ker-Lindsay 2015.
3 Pegg 1998, 26.
4 With Adrian Florea's looser definition, which does not include a formal declaration of independence as a criterion, the number of *de facto* states more than doubles (Florea 2020).
5 De Waal 2018, 5; Relitz 2019, 311; Harzl 2020, 11.

research. To some degree it seems reasonable to speak of two separate "ecosystems" of Eurasian *de facto* state research: a "local" one and a "Western" one, each with its own peculiarities.[1]

In a critical assessment of Western contributions to the study of Eurasian *de facto* states, G. Yemelianova claims that, as a leftover from Cold War Kremlinology, Western research has tended to view these conflicts through traditional Russia-centred conceptual paradigms.[2] As a rule, research has been based on no or limited fieldwork, in the latter case frequently confined to short-term visits and interviews with English- or Russian-speaking policymakers and academics in the *de facto* capitals. In particular, Yemelianova deplores the "rapid rise in the number of 'specialists' on ex-Soviet states, including *de facto* states, coming from a purely political or other social science theoretical background, and therefore lacking vital language training and in-depth knowledge of the history and culture of the regions under study."[3] Much of this criticism is no doubt to the point, although it seems a tall order to be able to meet all of her criteria for good *de facto* state research, which has to include both in-depth historical and cultural knowledge of the background to the conflicts as well as fluency in local languages and theoretical schooling in comparative analysis. It is also an open question whether local experts, including Russian ones, can meet her exacting standards.

In this article, however, we focus on one aspect of *de facto* state studies where Western scholars do enjoy a clear advantage over their post-Soviet colleagues: research on Western policies towards these entities. This topic has grown in importance as the *de facto* states, as noted above, have "moved closer," thereby forcing Western governments to develop approaches and policies towards them. In the following, we briefly review US and EU policy approaches, focusing on engagement strategies, before surveying the Western academic debate on these strategies.

US Policy Towards the Eurasian De Facto States

The United States has few vested interests in the Eurasian *de facto* states: therefore, these entities do not seem to rank very high on Washington's agenda. Even so, there appears to be an increasing realization that the Eurasian secessionist conflicts cannot simply be ignored.

In his 2004 *Engaging Eurasia's Separatist States,* D. Lynch claimed that the hallmark of US (and EU) policies towards the Eurasian *de facto* states was one of inconsistency: "the same actors [have adopted] different approaches to the region as a whole and with different actors trying different policies towards the same *de facto* state."[4] From their study of US diplomatic cables, however, S. Pegg and E. Berg provide a somewhat more positive assessment. Normally, correspondence between embassies and foreign offices back home is not accessible for researchers, but WikiLeaks made hundreds of

1 There is an element of simplification here. Several Russian scholars have contributed actively to the development of the Western academic debate on *de facto* state research, including co-authoring articles with Western colleagues. Still, there seems to be a language barrier involved, with Russian-language research tending to reference other Russian-language literature, with the same dynamics at play in English-language academia.
2 Yemelianova 2015.
3 Ibid., 226.
4 Lynch 2004, 109.

thousands of US diplomatic cables available, offering unique glimpses into US foreign-policy thinking. Mining the cables for US approaches towards four *de facto* states – two Eurasian (Abkhazia and Nagorno-Karabakh) and two "external" (Northern Cyprus and Somaliland) – Pegg and Berg find that these *de facto* states were neither consistently ignored nor comprehensively embargoed.[1] Moreover, the cables reveal that the four have not been treated as a homogeneous group or category: US diplomats and US foreign policy were "quite capable of discriminating between them and calibrating its interactions with them."[2]

Seeking to explain the variation, Pegg and Berg find very little support for the commonly held belief that nations with a strong American diaspora have been able to influence US policy via lobbying Washington. The strong Armenian lobby, for example, has not been able to sway US policymakers on the Nagorno-Karabakh issue. As for regime type, *de facto* states that have introduced a modicum of democracy and rule of law seem to enjoy somewhat greater sympathy in Washington. However, an analysis of diplomatic cables shows that US policy is first and foremost dictated by US relations with the patron of the *de facto* state in question. As a result of strained US–Russian relations, Abkhazia was thus less likely to find support in Washington than its democratic credentials alone should have led us to expect.[3]

In 2010, two years after the dramatic Russo–Georgian war of August 2008, A. Cooley and L.A. Mitchell in an article in *The Washington Quarterly* presented what they called a "bold, new approach" towards Eurasia's unrecognized states in general, and Abkhazia in particular.[4] They maintained that the war and the subsequent Russian recognition of Abkhazia and South Ossetia ought to serve as a wake-up call to both Washington and Brussels: with unilateral recognition, Abkhazia and South Ossetia had become even more isolated and dependent on the patron Russia, and further removed from international governance structures, rules and norms. This called for a new Western approach, they argued. While it would have to be crystal-clear that the United States would never grant diplomatic recognition to these secessionist states, "constantly speaking of 'territorial integrity' risks suggesting to both Tbilisi and Sukhumi that the United States and the EU are open to proactive, or even military, efforts to bring Abkhazia and South Ossetia back under Georgian control."[5] The answer was "engagement without recognition."

If acted upon, Cooley and Mitchell's recommendations would have meant a major shift in US policy towards the South Caucasus. A change was imperative, they argued, since the current approach had reached an impasse: isolating Abkhazia and the other unrecognized and partially recognized states no longer served the interests of the West. Pegg and Berg, however, found in their material only a single cable from the US Embassy in Tbilisi to Washington clearly indicating a willingness to engage with Abkhazia. According to a cable from September 2009, "1 year after the US ceased nearly all aid to the breakaway regions in the aftermath of the Russia-Georgia war, the

1 Pegg, Berg 2016, 269; see also Berg, Pegg 2018.
2 Ibid., 267.
3 For an overview of how Abkhazia was then ranked on political and civil rights compared to the other Eurasian de facto states, see Kopeček et al. 2016.
4 Cooley, Mitchell 2010, 71.
5 Ibid., 63.

time is right to re-engage with Abkhazia [...] US long-term goals are better served with an active presence in Abkhazia."[1]

Subsequent tectonic shifts in conflict dynamics – the Second Karabakh War in 2020, in which Nagorno-Karabakh came close to being fully reabsorbed into Azerbaijan, as well as the decision of Russia in February 2022 to recognize the Donetsk and Lugansk People's Republics as independent states (only to be annexed by Russia later that same year) – do not seem to have fundamentally affected the US patron-guided approach to the Eurasian *de facto* states. Whereas this approach in the current situation effectively precludes any meaningful engagement with Russia's client *de facto* states, Nagorno-Karabakh also seems to rank low on the agenda. After the 2020 war, the OSCE Minsk Group, which for three decades had been co-chaired by the United States, France and Russia, is largely defunct as a forum for negotiations, with the two main tracks towards a peaceful settlement now being promoted by the European Union and Russia, respectively.[2]

EU Non-recognition and Engagement Policy

In contrast to the relatively aloof attitudes in Washington towards the Eurasian *de facto* states, lively debates have unfolded in European capitals. This is clearly related to what was noted above about territorial proximity: Europe is much closer geographically to these entities, making the need to develop policies towards them more pressing.

In December 2009, the EU Special Representative for South Caucasus, Swedish diplomat P. Semneby, presented what he called a "non-recognition and engagement policy" (or NREP) towards Abkhazia and South Ossetia. The EU terminology is thus almost identical with what Cooley and Mitchell suggested as a new US policy, albeit with an important twist: the expression "without recognition" is replaced by "non-recognition" and is placed before "engagement." As explained by B. Coppieters, "non-recognition" signifies more than simply an absence of recognition: it expresses a clear stance against recognition.[3] In the words of Semneby, "non-recognition without engagement is sterile and counterproductive; engagement without a firm line on non-recognition is a potential slippery slope."[4] Another important difference between the US and EU proposals was the sender: while the US proposal was put forward by academics, the EU initiative came from a centrally placed EU official.

Although the full text of the NREP has never been promulgated, the gist of the policy has been communicated to the outside world via a paper published by the European Union Institute for Security Studies, with the imprimatur of the Special Representative.[5] According to this paper, the NREP was aimed at opening up a political and legal space for the European Union in which it could interact with the separatist

1 Pegg, Berg 2016, 280.
2 "Upholding the Ceasefire between Azerbaijan and Armenia," ICG, September 28, 2022, accessed December 23, 2022, https://www.crisisgroup.org/europe-central-asia/caucasus/armenia-azerbaijan-nagorno-karabakh-conflict/upholding-ceasefire.
3 Coppieters 2018, 346.
4 "Statement by the EUSR for the South Caucasus Peter Semneby," OSCE, February 10, 2011, accessed December 23, 2022, https://www.osce.org/files/f/documents/3/d/76655.pdf.
5 Fischer 2010; see also de Waal 2018, 25. This point illustrates how EU and US policymakers to no small degree rely on Western expertise when designing their policies.

regions without compromising its commitment to the territorial integrity of Georgia. Contacts with the *de facto* authorities should be stepped up in "a structured dialogue," it is argued.[1]

The overall focus of the NREP is one of "de-isolation and transformation." The paper describes a growing wariness in Abkhazia about Moscow's impact and real intentions, something which might provide an opening for new Western initiatives. As it was assumed that willingness to engage in meaningful dialogue was much stronger in Sukhumi than in Tskhinvali, it was suggested that the European Union should initially concentrate on Abkhazia in the hope that, if the NREP proved successful, then South Ossetia could come on board later. Moreover, although Georgian fears of a potential "creeping recognition" had to be taken seriously, the European Union should, according to the paper, try to "influence the Georgian mindset in the direction of shifting the main focus to engagement rather than isolation."[2] As an example of new initiatives the European Union could support, the paper highlights the reconstruction and opening of the railway link between Russia, Georgia, Armenia and Azerbaijan, a defunct link that crosses Abkhazia. Such a project would contribute to de-isolating Abkhazia while also benefiting all regional actors.

Because of the failure to disseminate the NREP publicly, it never managed to get to the top of the EU foreign policy agenda.[3] However, the fact that the NREP was developed signalled a willingness in Brussels to engage in some hard thinking and readjust its policies to fit the new realities on the ground after the August 2008 war. Moreover, according to some observers, it gave the European Union a certain flexibility to "adapt and adjust its policy" according to shifting needs and circumstances in Georgia proper and the *de facto* states.[4] A recent study by S. Relitz finds that EU engagement (and international engagement in more general) is more comprehensive and multifaceted than previously known.[5] However, the rapid deterioration of relations between Russia and the West in recent years cannot but have a negative impact on initiatives aimed at further engagement. While the European Union has been actively involved in various conflict management initiatives,[6] the deteriorating security situation has made it difficult to exploit the envisaged engagement repertoire.

Western Academic Approaches

With the concept "engagement" firmly established in Western policy discourse on the Eurasian *de facto* states, how has the scholarly debate evolved in recent years? In the early days, the *de facto* states were often discussed under the heading of "frozen conflicts." The focus was on the violent separation from the parent state. As a result, the *de facto* states were often studied by means of theories developed within peace and conflict studies. As the *de facto* states became more established, gradually developing

1 Fischer 2010, 6.
2 Ibid., 2.
3 De Waal 2018, 2.
4 Sabou 2017, 134.
5 Relitz 2023.
6 This EU involvement has taken place either via European institutions (as in the case of Transnistria, Abkhazia and South Ossetia) or via member-state initiatives (France and Germany and the Normandy Format in the case of Donetsk and Lugansk). Fischer 2019, 33.

structures and institutions that would enable them to function as "states," it became natural to study them as precisely that, using approaches and methods developed for analysing other, "regular" states.[1] Two sub-strands of *de facto* state studies developed, the first focusing on internal developments (state- and nation-building), the second on their relations with the outside world.[2]

As for Western literature specifically on *de facto* state engagement, D. Lynch, in one of his early contributions, outlined four possible positions that Western states could take vis-à-vis these entities: 1) actively oppose them through the use of embargoes and sanctions; 2) generally ignore them; 3) engage with them on the basis of (some limited) acceptance or acknowledgment of their presence; or 4) attempt to eliminate them by force.[3] A fifth option would of course be to recognize them – but as D. Lynch points out, that is not on the table, as it would set a dangerous precedent. Moreover, in virtually all cases, it would be more important for Western states *not* to impair relations with the parent state than to develop ties with the secessionist entities.

While the other extreme – forceful elimination – would also generally be out of the question due to strong patron-state support, this is of course not a policy that can be pursued by third parties to a given conflict. This leaves the latter with the three intermediate options – sanctioning, ignoring or engaging – as the only possible workable approaches. As Lynch argues: "Any settlement will have to be based on current reality on the ground and not on that stemming from the source of the conflicts."[4] Such an approach, based more on realism than on legalism, one might argue, favours those *de facto* states that have created the "realities on the ground," as well as a policy of engagement.

Grading Sovereignty

A main obstacle for *de facto* state engagement remains the contested legal status of *de facto* states. Austrian legal scholar B. Harzl has challenged the widespread treatment of sovereignty as a "binary code," something one either has or does not have. He views sovereignty as a matter of degree, and argues that international law provides a vast array of instruments for dealing with entities that have gradational forms of sovereignty. Therefore, "there is no serious reason why [a *de facto* state] cannot be incorporated into international society in some way."[5] Abkhazia, for example, appears to fulfil the objective criteria of statehood as laid out in the Montevideo Convention. In B. Harzl's view, being a state, albeit a *de facto* one, entitles Abkhazia to invoke certain rights against third states, such as the prohibition against the use of force.[6]

Harzl further maintains that the widespread emphasis on the negative attributes associated with *de facto* statehood may prevent us from grasping the "notion and meaning of internal sovereignty" within these entities. The same is true if we view

1 The concept of "frozen conflicts" and the associated approaches are still used by some Western researchers (see, for example, Dembinska and Campana 2017), in particular those working within the paradigm of conflict studies (Klosek et al. 2021).
2 See Broers 2013 for an overview of the shifting theories and paradigms deployed in the study of the South Caucasian *de facto* states during the first two decades after their *de facto* secession.
3 Lynch 2004, 104.
4 Ibid., 103.
5 Harzl 2018, 70.
6 Ibid., 35.

de facto states solely in terms of the support they receive from their patrons.[1] Given this re-assessment of legal status, it is, according to Harzl, incumbent upon the outside world to engage with the Eurasian *de facto* states.

There is widespread agreement that such engagement clearly needs to stop short of recognition:[2] Even keeping the hypothetical possibility of recognition on the table would send dangerous signals, potentially encouraging secessionism among other groups and undermining the credibility of the European Union.[3] However, the idea that engagement inevitably leads down the slippery slope towards recognition, so-called "creeping or inadvertent recognition," has been dismissed as a bogus concept by J. Ker-Lindsay, an expert on diplomatic recognition: recognition, he argues, is always a deliberate and explicit act, not something one stumbles into by accident.[4] If a state insists that it does not recognize the territory in question and does not overstep certain boundaries, such as establishing an embassy, there is considerable latitude as to what sort of political and diplomatic activity it can engage in.[5]

Developing a Repertoire for Engagement

In recent years, a growing body of literature has discussed and elaborated the *form* that such potential engagement with the Eurasian *de facto* states may take.[6] The authors generally agree that most *de facto* states would respond positively to an engagement policy. In a report for the Carnegie Endowment, renowned Caucasus expert T. Thomas de Waal argues that, with the exception of the two secessionist entities in Donbas, the Eurasian *de facto* states all "try to cleave to European norms."[7] In his view, more meaningful engagement with these entities thus represents an overlooked resource in conflict resolution:

> If carried out in a clear-sighted and intelligent manner, it should benefit all sides. It should give citizens of the *de facto* states greater opportunities to be integrated into the world. It should benefit [...] the "parent states" by building bridges across the conflict divide. It should have a wider benefit by ensuring that these places are more compliant with international norms.[8]

T. de Waal holds that a Western engagement policy must be built on three main principles. The approach should

– improve the lives of ordinary people in the *de facto* states,

– not privilege them over residents of their parent states on the other side of the conflict divide, and

– not pre-judge final status decision.[9]

1 Harzl 2018, 19.
2 See, for example, Harzl 2018, 64; de Waal 2018, 77.
3 Harzl 2018, 64.
4 Ker-Lindsay 2015, 275–276.
5 Ker-Lindsay 2018, 363
6 See, e.g., Sabou 2017; Berg, Vits 2018; Ker-Lindsay, Berg 2018; de Waal 2018, Hartzl 2018; Kolarz 2020.
7 de Waal 2018, 1.
8 Ibid., 1–2.
9 Ibid., 7.

While a trade-off and a balance always have to be struck between capacity-building by stealth and constructive engagement, Western decision-makers do have a (thus far largely untapped) repertoire of engagement strategies that could be mobilized. The literature has identified a wide range of ways in which a state may interact with a secessionist entity without extending formal recognition.[1] Among other things, de Waal singles out the educational sector and assistance to the healthcare services as sectors for potential engagement.[2] Currently, political constraints mean that Western states can only work only with individual students, not directly with universities. The fact that the universities in Abkhazia and Transnistria have "state" in their names and receive direct budgetary support from the *de facto* authorities complicates matters. However, drawing on the example of another *de facto* state, Northern Cyprus, which has a thriving university sector and attracts thousands of foreign students every year, de Waal argues that it should also be possible to develop bilateral ties between universities in the Eurasian *de facto* states.[3]

Another concrete, albeit more controversial, measure highlighted by several observers would be to establish some sort of physical presence on the ground in the *de facto* states. It is often difficult to engage the authorities of the *de facto* state, as well as the general public in an effective manner from afar. In the case of Taiwan, in the absence of regular diplomatic relations, some states have opted for opening liaison offices. The same could be done, some argue, in some of the Eurasian *de facto* states in order to increase international leverage.[4] A more modest alternative would be to open EU information offices. The immediate goal of these offices would not be to improve relations with the *de facto* state authorities, but "first of all, to send a signal to the populations of these territories that they are not abandoned by Europe and secondly, that information on the ground can be gathered."[5]

Cooley and Mitchell advocate issuing visas for (a limited number of) Abkhazians wishing to travel to the European Union and the United States, using self-styled Abkhazian passports. Again, there is a precedent here: this would be similar to how Turkish Cypriots are allowed to travel to the United States and the United Kingdom on passports issued by the Turkish Republic of Northern Cyprus.[6] In addition, B. Harzl argues that the European Union should be open to the possibility of allowing residents of *de facto* states to use their own passports to travel abroad. While admitting that this is a "controversial and delicate question,"[7] he maintains that a passport is nothing more than proof of identity: accepting a passport as a valid travel document does not necessarily constitute acceptance of the state that has issued it. Alternatively, he suggests that the European Union might encourage the international community to devise status-neutral travel documents like those issued to Kosovars by the United Nations Interim Administration Mission in Kosovo prior to recognition of this *de facto* state by the United States and most EU members in 2008.[8]

1 See, e.g., Berg, Toomla 2009; Ker-Lindsay 2015.
2 de Waal 2018; see also de Waal, von Löwis 2020.
3 de Waal 2018, 53–74.
4 Cooley, Mitchell 2010; de Waal 2018; Ker-Lindsay 2018.
5 Harzl 2018, 64.
6 Cooley, Mitchell 2010, 66–67.
7 Harzl 2018, 58.
8 Ibid.

Two additional potential avenues for *de facto* state engagement – democratization and trade – deserve further scrutiny, because of the attention they have been given in scholarly debate.

Democracy Support and "Earned Sovereignty"

The understanding that *de facto* states can "earn" recognition was fostered by developments in the Balkans after Kosovo's *de facto* separation from Serbia in 1999. Over the next decade, Kosovo's international status remained hotly disputed. In 2003, the United Nations endorsed "standards before status": Kosovo would have to achieve certain standards before its final status could be addressed. This gave rise to expectations that if the Eurasian *de facto* states developed similarly high standards with regard to good governance and rule of law, this could pave the way for their inclusion into the international community of recognized states.[1] For some time in the early 2000s, this gave Western states considerable leverage to impress their political ideals of democracy development on *de facto* states. In 2008, however, Kosovo decided to proclaim independence unilaterally before the identified targets of enhanced standards were achieved. Even so, many Western states responded by extending recognition. Hence, as noted by N. Caspersen, "standards before status" was first replaced by "status, then standards" and finally with what for all practical purposes amounted to "status, and then who cares about standards?"[2] Democratic credentials, it turned out, were "not a condition determining the recognition behavior of major powers."[3]

The West's vacillation between standards and status and insistence that "Kosovo was not a precedent; it was a *sui generis* case in international politics"[4] led to considerable disillusionment among those Eurasian *de facto* states that had put their stakes on "earned sovereignty." It also severely reduced Western abilities to influence their domestic politics. Concerning further engagement policy, N. Bouchet has concluded that "very little of [EU and US] engagement [with *de facto* states] can be described as democracy assistance."[5] In his view, there are several reasons for this. For one, democracy development and good governance have never been high on the agenda of Western countries in relation to the Eurasian *de facto* states. Moreover, democracy assistance has in any case not been very welcome by the authorities of the *de facto* states themselves. Hence, democratization has proved a dead end.

Engagement Through Trade

A second avenue is engagement through trade. Harzl notes this as an engagement strategy that should be facilitated and encouraged. The US Taiwan Relations Act could serve as a model, he argues: since the 1979 US recognition of the People's Republic of China, this Act has regulated a wide range of official, albeit non-diplomatic

1 Caspersen 2011; Berg, Mölder 2012; Kolstø, Blakkisrud 2012.
2 Caspersen 2009, 56.
3 Özpek 2014, 597.
4 Ker-Lindsay 2013, 837.
5 Bouchet 2016, 3.

relations between the United States and Taiwan. As a result, Taiwan, which has not been recognized, is currently the ninth biggest trading partner of the United States. Having trade relations with a *de facto* state does not affect its "unrecognized" status. Harzl points out that, even during the Japanese occupation, the Chinese maintained trade relations with the puppet state of Manchukuo. Similarly, Croatia traded with the Republika Srpska Krajina up until Krajina was reincorporated in 1995.[1]

The track record of engagement through trade has been more mixed than in the case of democratization. For obvious reasons, most *de facto* states conduct the bulk of their trade with their patron. Some nevertheless want to wriggle out of what they perceive as the patron's too-tight embrace, and endeavour to diversify their external trade relations.[2] When they do, however, they often encounter new hindrances, as parent states are prone to use their *de jure* jurisdiction over the secessionist entity to thwart such trade. For instance, if Abkhazian businesses want to access European markets directly, they would need to be included in Georgia's 2016 Deep and Comprehensive Free Trade Area (DCFTA) with the European Union. However, this agreement does not cover economic activity in the territory under Sukhumi's control. In 2017, Brussels engaged in cautious, "quiet" diplomacy, with EU representatives travelling to Abkhazia to discuss the details of the DCFTA, and the European Union expressing its readiness to facilitate direct talks between the Abkhazian and Georgian sides. However, this failed to move beyond the exploratory phase.[3] In the absence of formal access to the EU market, Abkhazian businesses have had to rely on Russian and Georgian middlemen – a practice said to double, even triple, the cost of doing business.[4]

On the other hand, trade between Transnistria and the European Union has developed further, precisely because Transnistria has been included in the parent state's DCFTA.[5] The authorities in Tiraspol were initially wary of this arrangement, fearing that it could undermine their *de facto* independence from Moldova, but were cajoled into "discreetly" joining the DCFTA.[6] Under this arrangement, Transnistria (together with Moldova) receives quotas for exporting goods to the EU market without paying customs duties. As a result, Transnistria's trade with the European Union is now considerably larger than with its patron, Russia.[7] This has been possible due to considerable pragmatism among all partners in Chișinău, Tiraspol and Brussels, and the business communities in all the involved countries.

Engagement and the Role of Parent States

The limited success of Western engagement initiatives thus far can be attributed partly to the position of the parent states. According to J. Ker-Lindsay, "the most significant contextual factor shaping engagement without recognition is the extent

1 Harzl 2018, 67.
2 Kemoklidze, Wolff 2020; Blakkisrud et al. 2021.
3 Blakkisrud et al. 2021, 361–362. See also Kemoklidze, Wolff 2020.
4 "ICG Europe Report no. 249. Abkhazia and South Ossetia: Time to Talk Trade," ICG, May 24, 2018, accessed December 23, 2022, https://www.crisisgroup.org/europe-central-asia/caucasus/georgia/249-abkhazia-and-south-ossetia-time-talk-trade.
5 Kemoklidze, Wolff 2020.
6 Marandici, Leșanu 2021, 344.
7 Ibid.

to which the parent state seems to be willing to accept interaction between the seceding territory and third countries."[1] The parent states will invariably act as gatekeepers,[2] insisting on vetting all interaction with the *de facto* state.

Parent states are obviously wary of any steps that might be interpreted as contributing to consolidating *de facto* statehood. For example, they frequently raise the objection that international aid must not contribute to capacity building in the *de facto* states, as that would amount to *de facto* state building. As a result, T. de Waal contends, there is widespread consensus among Western donors that support should only be given to civil society directly, or in the form of humanitarian assistance.[3] For Western donors, however, this is a difficult distinction: the Eurasian *de facto* states are small societies where individuals frequently move between positions in government and civil society/non-governmental structures, often making it hard to draw the line between what is governmental and what is not.

Moreover, all forms of engagement would inevitably entail some degree of interaction with state officials and a bureaucracy that the donors officially do not recognize. Foreigners cannot avoid dealing with *de facto* state authorities on matters such as acquiring permission to enter the territory or obtaining authorization to launch projects on the ground. According to T. de Waal, international donors "often accept the logic that to get things done in a territory they must work with a *de facto* government but simultaneously declare that the partner is illegitimate."[4]

In the case of Abkhazia and South Ossetia, the parent state itself was quick to pick up on the "engagement" discourse. Already back in 2010, Georgia published a "State Strategy on Occupied Territories: Engagement through Cooperation."[5] This document adopts a less bellicose tone than the 2008 "Law on Occupied Territories of Georgia." Some Western academics nevertheless deem the terminology unfortunate and self-contradictory – according to Coppieters, any reference to "occupation" automatically precludes meaningful "engagement" and "cooperation."[6]

While having the patron state on board is "absolutely critical for the success of a policy of engagement" and "the individual provisions have to be designed in a way that would make them beneficial also to the [parent] state," it remains important to strike a balance between the legitimate concerns of the parent state and the needs and interests of the *de facto* state.[7] The ability to engage the *de facto* state – thus facilitating conflict mediation – requires maintaining a critical distance to, and having the trust of, both parties.[8] This leads us to the risk of *de facto* state *dis*engagement: the threat of *de facto* states opting out of whatever formats of engagement there might exist, and the ensuing detrimental effects on the prospects for conflict resolution.

1 Ker-Lindsay 2018, 366–367.
2 Caspersen 2018, 376.
3 de Waal 2018, 17.
4 Ibid., 75.
5 "State Strategy on Occupied Territories: Engagement Through Cooperation," Government of Georgia, 2010, accessed December 23, 2022, https://www.gov.ge/files/225_31228_851158_15.07.20-StateStrategyonOccupiedTerritories-EngagementThroughCooperation(Final).pdf.
6 Coppieters 2018, 354.
7 Harzl 2018, 64.
8 de Waal 2018, 15.

Preventing De Facto State Disengagement

Many scholars of Western policies towards the Eurasian *de facto* states are explicitly, even enthusiastically, in favour of engagement. In 2018, the journal *Ethnopolitics* published a special issue on the topic, "Engagement without Recognition: The Politics of International Interaction with *de facto* States," to which a number of renowned experts on *de facto* states contributed. The guest editors, J. Ker-Lindsay and Berg, argued that the flipside of such engagement – that is, continuing to isolate and ostracize the *de facto* states – may in fact be counterproductive to Western efforts to resolve these conflicts: isolationism only forces the *de facto* states into even closer relation with, and dependency on, their patron state.[1] This echoes the case made by Cooley and Mitchell that isolating Abkhazia "only further accelerates Sukhumi's absorption by Moscow."[2]

Non-engagement may lead to disengagement. Experience has shown, Ker-Lindsay and E. Berg argue, that isolating *de facto* states rarely leads to their demise and reintegration into the parent state. Often it has the opposite effect: if the leaders of the *de facto* state feel that they are being treated as an unequal party in the dispute, this may reduce their willingness to engage in a settlement process. Thus, "engagement without recognition" can be an "extremely powerful" tool of conflict management, "the only serious policy frame available for the accommodation of *de facto* states."[3]

In a separate contribution to the *Ethnopolitics* issue, J. Ker-Lindsay deplores the fact that *de facto* states are routinely exposed to stigmatization and discrimination, "often treated as pariahs on the international stage."[4] However, he finds it encouraging that, just as the degree of stigmatization of an individual *de facto* state may vary over time, so may the scope and intensity of its engagement without recognition[5] – *de facto* states may succeed in overcoming the current stigma and be allowed to engage more constructively with Western interlocutors in the future. On the other hand, in her contribution to the same volume, N. Caspersen strikes a more sombre chord, arguing that the international community is unlikely to engage with the *de facto* states unless they have strategic interests in the contested territory, or the parent state accepts engagement as a conflict-resolution measure.[6]

Hence, there seems to be widespread agreement that some sort of engagement is the only viable way forward to prevent further consolidation of the patron states' hold on the *de facto* states. However, the chances for actually implementing such an approach as EU or US policy towards the Eurasian *de facto* states may not be that great.

Conclusions

T. Hoch has maintained that the image of *de facto* states in Western academic literature is "quite negative."[7] That is not our impression. On the contrary, we find

1 Ker-Lindsay, Berg 2018.
2 Cooley, Mitchell 2010, 66.
3 Ker-Lindsay, Berg 2018, 337–338.
4 Ker-Lindsay 2018, 363.
5 Ibid., 362–363.
6 Caspersen 2018, 385.
7 Hoch 2011, 72.

that many Western researchers do recognize the predicaments and dilemmas confronting the Eurasian *de facto* states. While acknowledging that these entities exist in contravention of international law, they do not automatically present them as "black holes" or "criminal badlands." Instead, they are treated as "states," albeit with the qualifier "*de facto* ," and are studied with many of the same analytical tools as those applied to other states. Cooperation with *de facto* state authorities may be controversial, but intractability and stasis should not be an excuse for inaction. According to T. de Waal, there is "no legal bar to clear-eyed and constructive engagement with these territories."[1]

Summing up the results of the European Union's engagement with the *de facto* states as of 2020, S. Kolarz argued that the European Union has become increasingly interested in the settlement of conflicts surrounding *de facto* states. She also believes that Brussels has found pragmatic ways to interact with the *de facto* states, which include a range of legal and political instruments, such as:

> shaping the recognition practices of its member states, enabling the EU Delegations and Special Representatives to have contact with the *de facto* authorities, highlighting its [the European Union's] adherence to the principles of international law in its political statements and jurisprudence, and pursuing a Non-recognition and Engagement Policy (NREP).[2]

The motivations behind the West's willingness to engage with *de facto* states vary. They stem in part from a general humanitarian approach, in part from fears that conflicts here might unleash refugee crises that could spill over into European states. An additional important impetus is the desire to offer the Eurasian *de facto* states possibilities for international contacts in circumvention of the patron state. Although neither the European Union nor the United States can replace Russia as their main provider of security and sustenance, greater Western engagement may offer the Eurasian *de facto* states a modicum of economic and political diversification that could loosen Russia's hold over these territories.

To return to the distinction between the two "ecosystems" of research on *de facto* states noted earlier, Western scholars may lack the in-depth knowledge of the political game and social processes in individual *de facto* states that some of their Russian colleagues possess; however, they may contribute to the comparative approach, often drawing on cases from outside the geographical confines of Eurasia (as with the experiences of Western engagement with Northern Cyprus and Taiwan). And just as Russian researchers naturally focus on the relationship of the Eurasian *de facto states* with their Russian patron, their Western counterparts seek to analyse the policies of their own countries towards those same *de facto* states.

This focus on Western engagement in Western contributions to the *de facto* state literature is only natural. First, as this is an issue of interest to domestic policymakers and the general public, scholars might find a receptive audience for such research. Second, Western scholars are well positioned to access policymakers in the Western

1 de Waal 2018, 13.
2 Kolarz 2020, 5.

capitals where these policies are hammered out.

The scholarly literature on Western engagement with the Eurasian *de facto* states is partly analytical, explaining what Western states are doing and not doing and why, and partly normative, offering policy recommendations on the best way to engage. Implicit in the use of the concept of "engagement" is an understanding that this is preferable to "ignoring" or "sanctioning": according to this view, cooperation with *de facto* state authorities is deemed inevitable.

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Взаимодействие без признания? Западные подходы к *де-факто* государствам Евразии

АННОТАЦИЯ

Прежде изучению де-факто государств не уделялось должного внимания в академической среде, однако в последние годы наблюдается стремительное развитие данной области знания, значительный вклад в которое внесли исследователи из бывших союзных республик. В результате распада СССР возникло семь де-факто государств, из которых четыре существуют и по сей день (Абхазия, Нагорный Карабах, Южная Осетия и Приднестровье), другие же три прекратили свое существование (Чечня, Донецкая Народная Республика и Луганская Народная Республика). Наибольшую активность в изучении де-факто государств проявляют армянские и российские исследователи, поскольку Армения выступает в качестве государства-патрона Нагорного Карабаха, а Россия – остальных трех из ныне существующих образований, реинтегрировав / включив в свой состав три прекратившие существование. Однако и западные ученые внесли значительный вклад в изучение де-факто государств несмотря на относительно низкий уровень взаимодействия с коллегами на постсоветском пространстве. В то время как исследователи, проживающие в изучаемом регионе, обладают глубоким знанием истории и культуры соответствующих территорий, их западные коллеги развивают и обогащают сравнительный и теоретический подходы. В фокусе внимания российских ученых находятся отношения де-факто государств Евразии с государством-патроном Россией, для западных же исследователей наибольший интерес представляет политика государств, в которых они проживают, по отношению к данным образованиям. Таким образом, постепенно сформировались две отдельные школы исследований де-факто государств Евразии: “местная” и “западная”, каждая из которых имеет свои особенности. В данной статье приводятся обзор “западной” литературы, посвященной де-факто государствам и содержащей оценки возможностей взаимодействия США и ЕС с де-факто государствами Евразии. Научная литература, проблематика которой выстраивается на взаимодействии Запада и де-факто государств, носит одновременно аналитический, объяснительный и нормативный характер, то есть в ней содержится описание и объяснение принимаемых и не принимаемых Западом шагов, а также практические рекомендации для лиц, принимающих решения, по выстраиванию политики в отношении де-факто государств. Концепция “взаимодействия”, однако, подразумевает, что взаимодействие предпочтительнее политики “игнорирования” или санкционного давления. Согласно этой точке зрения, сотрудничество Запада с властями де-факто государств неизбежно.

КЛЮЧЕВЫЕ СЛОВА

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